

## REMARKS

Minor editorial corrections have been made to the specification and Abstract. Claims 7, 18, 27, 31, and 36 have been amended. No new matter has been introduced with these corrections or amendments, all of which are supported in the specification as originally filed. Claims 1 - 38 remain in the application.

### I. Drawing Corrections

As explained above in "Amendments to the Drawings", proposed replacement drawings are submitted herewith for Fig. 4B, Fig. 5D, and Fig. 8B. In Fig. 4B, the values in the "nodes" (i.e., the letters within ellipses) were incorrect, and did not align with Fig. 4A. Accordingly, the node values "B", "C", and "D" have been rearranged. Fig. 5D is corrected in the final entry to use "4" instead of "1" as the ordinal of the parent node. In Fig. 8B, Block 880 is corrected to refer to the element value array, rather than the attribute value array. No new matter has been introduced with these corrections.

### II. Rejection Under 35 U.S.C. §101

Paragraphs 4 and 5 of the Office Action dated April 8, 2004 (hereinafter, "the Office Action") states that Claims 1 - 11 and Claims 21 - 29 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. These rejections are respectfully traversed.

Paragraph 4 of the Office Action further states that Claims 1 - 11 specify "functional descriptive data stored on computer-readable media", and "fail to set forth any interaction with

the claimed data structures". Applicants note that MPEP §2106(a), which is titled "Functional, Descriptive Material: "Data Structures" Representing Descriptive Material *Per Se* or Computer Programs Representing Computer Listings *Per Se*", states as the final sentence of its first paragraph,

... In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. (emphasis added)

It is well known that an array is a type of data structure. The preambles of Applicants' independent Claims 1 and 11 specify arrays that "reside on one or more computer-readable media". Accordingly, Applicants believe that these claims fully align to the above-cited language of the MPEP and are therefore statutory. The Examiner is therefore respectfully requested to withdraw the §101 rejection of Claims 1 - 11.

Paragraph 5 of the Office Action further states that Claims 21 - 29 specify functional descriptive data, and because they are means plus function claims, are "considered software *per se* in light of the specification", referencing p. 20, lines 17 - 20 of Applicants' specification. Applicants respectfully note that p. 19, lines 11 - 18 describe various embodiments of software programming code which embodies their invention, including diskettes, hard drives, CD-ROMs, memory, and so forth. The preamble of independent Claim 21 specifies a system.

When describing patentable subject matter, 35 U.S.C. §101 states that

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Applicants respectfully submit that their independent Claim 21 falls squarely within this definition, and is therefore directed toward statutory subject matter.

Furthermore, 35 U.S.C. §112, paragraph 6 states:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Applicants respectfully submit that the language of their independent Claim 21, and its dependent Claims 22 - 29, conforms to this statutory language. Accordingly, the Examiner is respectfully requested to withdraw this §101 rejection of Claims 21 - 29.

### III. Claim Objections

Paragraph 6 of the Office Action states that Claim 31 is objected to because of incorrect dependency. Applicants thank the Examiner for noting the typographical error in Claim 31. Appropriate correction has been made herein, and the Examiner is respectfully requested to withdraw this objection.

### IV. Rejection Under 35 U.S.C. §112, second paragraph

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Paragraph 8 of the Office Action states that Claims 36 - 38 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Paragraph 9 further states that the word "efficiently" is objected to as rendering Claim 36 indefinite, and paragraph 10 states that Claims 37 and 38 are rejected for incorporating this language.

Applicants have removed the word "efficiently" from all independent claims with the amendments made herein, and the Examiner is respectfully requested to withdraw this §112 rejection.

**V. Allowable Subject Matter**

Paragraph 11 of the Office Action states that Claims 12 - 20, 30, and 32 - 35 are allowed. Paragraphs 12 - 13 state that Claims 36 - 38 would be allowable if rewritten to overcome the §112 rejection noted above.

As discussed herein, Applicants respectfully submit that their Claims 1 - 11 and 21 - 29 are directed toward statutory subject matter; the informality in Claim 31 has been corrected; and the objectionable term in Claim 36 has been removed. Accordingly, all Claims 1 - 38 are deemed patentable as presented herein.

**VI. Conclusion**

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal

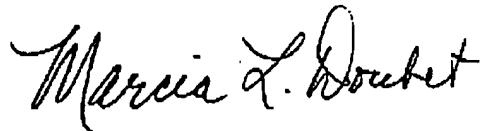
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of all presently outstanding objections and rejections, and allowance of all claims at an early date.

Respectfully submitted,



Marcia L. Doubet  
Attorney for Applicants  
Reg. No. 40,999

Customer Number for Correspondence: 25260

Phone: 407-343-7586

Fax: 407-343-7587

Attachment: Replacement Sheets (3)

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